

# **Statement**

**Of**

**Sgt. Anthony Westberry**

KG: THIS IS SGT. GRAY. THE DATE IS GOING TO BE APRIL THE 29<sup>TH</sup>, OF 2005. TIME IS 10:28 A.M. THE LOCATION OF THE STATEMENT'S IN MY OFFICE. THE PERSON GIVING STATEMENT IS SGT. ANTHONY WESTBERRY. THIS IS GONNA BE IN REFERENCE TO AH A COMPLAINT FILED BY AH MR. BRADLEY THOMAS PHELPS AND HIS MOTHER, PATRICIA PHELPS, IN REGARDS TO A UNIFORM TRAFFIC CITATION NUMBER M5532102. IT WAS ISSUED ON APRIL THE 14<sup>TH</sup> OF 2003 BY SGT. WESTBERRY. SGT. WESTBERRY. WILL YOU STATE YOUR FULL NAME, PLEASE?

AW: ANTHONY S. WESTBERRY.

KG: AND AH I'VE HANDED YOU A COPY OF THAT TICKET. JUST BE ADVISED THAT YOU ARE A WITNESS IN THIS, IN THIS CASE. I'VE HANDED YOU A COPY OF A TRAFFIC CITATION, THE NUMBER I JUST READ. CAN YOU IDENTIFY THAT FOR ME?

AW: YES, SIR, IT'S THE CITATION I ISSUED MR. PHELPS BACK ON APRIL 14<sup>TH</sup> OF '03 FOR SPEEDING.

KG: OKAY. AND PHELPS'S FIRST NAME?

AW: BRADLEY.

KG: UMKAY. AH, ONCE YOU AH ISSUED THAT CITATION TO HIM, LET ME JUST COVER THIS. IT WAS IN THE CITY LIMITS OF DOTHAN POLICE JURISDICTION THEREOF, CORRECT?

AW: YES, SIR.

KG: AH, DID YOU AH GIVE HIM A COPY OF THE CITATION?

AW: YES, SIR, I DID.

KG: UMKAY. AFTER THAT AH DID, AT ANY TIME YOU SWEAR TO A MAGISTRATE THAT THAT EVENT DID HAPPEN AS STATED ON THE COMPLAINT?

AW: YES, SIR, I DID.

KG: AND WHAT DAY WAS THAT?

AW: THAT WAS THE VERY NEXT DAY, APRIL THE 15<sup>TH</sup>, '03.

KG: UMKAY. WHO DID YOU SWEAR THAT TO?

AW: UH, LAVERA MCCLAIN.

KG: AND HOW DO YOU RECALL AHM SWEARING THAT CITATION TO MRS. MCCLAIN ON THAT DATE?

AW: WE HAVE COPIES THAT WE KEEP OF THE AH TRANSMITTAL FORMS WHEN WE SWEAR TO TICKETS.

KG: UMKAY, AND THAT'S CALLED THE UTC TRANSMITTAL FORM OF, FOR THE MUNICIPAL COURTS?

AW: RIGHT. IT'S CALLED A UTC 3.

KG: AND AH DID MRS. MCCLAIN SWEAR TO YOU, HOW MANY CITATIONS DID YOU TURN IN THAT DAY?

AW: I DON'T RECALL.

KG: UMKAY.

AW: I KNOW ON THE, THE SHEET IN QUESTION WE HAD AH TWO ON THERE, THREE ANY WAY.

KG: OKAY, SO, AH THIS ONE SHEET, YOU TURNED IN THREE BUT YOU COULD HAVE HAD ANOTHER SHEET WITH OTHER TICKETS ON THE SAME DATE?

AW: THAT'S CORRECT.

KG: OKAY. JUST FOR POINT OF CLARIFICATION. AH, DID YOU AH, RECEIVE A CALL FROM ANYONE IN REFERENCE TO THIS TICKET, OR DID YOU INITIATE A CALL TO ANYONE TO TALK ABOUT THIS TICKET?

AW: I SPOKE WITH AH MARY TURNER, THE MAGISTRATE ABOUT IT, BUT I DON'T RECALL IF SHE CALLED ME OR I CALLED HER.

KG: UMKAY. DID YOU, AFTER YOU SWORE TO THAT DID YOU HAVE ANY INTENTIONS ON VOIDING THE CITATION?

AW: NO, SIR.

KG: DID YOU KNOW OF MR. BRADLEY PHELPS PRIOR TO WRITING THAT CITATION?

AW: NO, SIR, NEVER MET HIM.

KG: SO AH, TRY TO THINK BACK AND IF YOU CAN'T ANSWER IT OR YOU DON'T KNOW, SAY THAT. LOGICALLY SPEAKING WOULD YOU HAVE ANY REASON FOR CONTACTING MRS. TURNER ABOUT THE CITATION THAT YOU DID NOT HAVE ANY PERSONAL KNOWLEDGE OF THE DEFENDANT?

AW: NO, NOT AT ALL.

KG: UMKAY. AH, IN THE CONVERSATION WHAT WAS THE GIST OF THE CONVERSATION?

AW: THE ONLY THING I REMEMBER WAS WHEN I STOPPED HIM, HE TOLD ME THAT HE AS KIN TO MARY TURNER.

KG: UMKAY.

AW: AND WHEN I TURNED THE, THE AH TICKETS IN, I MADE SURE I DIDN'T SWEAR TO HER WITH THE TICKETS. I WENT TO SOMEBODY ELSE, AND I REMEMBER WHEN I TALKED TO HER I ASKED HER WAS SHE KIN TO THIS MAN. AND SHE TOLD ME SHE WASN'T. HE WORKED FOR HER HUSBAND.

KG: UMKAY. BUT AH YOU CAN NOT REALLY RECALL IF AH YOU INITIATED THE CONVERSATION OR IF SHE INITIATED THE CONVERSATION?

AW: I, I DON'T RECALL.

KG: UMKAY. AHM, DID SHE MAKE ANY OTHER AHM STATEMENTS AT ALL ABOUT THAT CITATION?

AW: NO, NOT TO ME.

KG: UMKAY. IF YOU RECALL, DID SHE ASK YOU IF YOU CAN GIVE ANY LENIENC', LENIENCY ON IT?

AW: SHE DIDN'T ASK ME THAT.

KG: UMKAY. AND YOU'RE FOR SURE THAT SHE DIDN'T ASK YOU THAT?

AW: I'M POSITIVE SHE DIDN'T.

KG: UMKAY.

AW: OUR, OUR GIST OF THE CONVERSATION WAS WHETHER OR NOT SHE WAS KIN TO HIM. SHE TOLD ME HE WASN'T, HE JUST WORKED FOR HER HUSBAND AND THAT WAS IT.

KG: UMKAY. IS THERE ANYTHING ELSE THAT YOU CAN ADD TO THIS STATEMENT THAT I HAVEN'T ASKED YOU ABOUT THAT YOU MAY WANT TO STATE?

AW: NOT THAT I CAN THINK OF.

KG: THIS IS GONNA BE THE END OF THIS STATEMENT. TIME IS 10:34 A.M.